

**Title 33****ENVIRONMENTAL QUALITY****Part III.Air****Chapter 5. Permit Procedures****§509. Prevention of Significant Deterioration**

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[See Prior Text in A —B. Baseline Area.1]

2. All parishes are designated as attainment for all pollutants except the following parishes are designated nonattainment for ozone only:

Ascension
<del>Calcasieu</del>
East Baton Rouge
Iberville
Livingston
<del>Point-Coupee</del>
West Baton Rouge

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[See Prior Text in B.Baseline Concentration –S.4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:348 (June 1988), LR 16:613 (July 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:478 (May 1991), LR 21:170 (February 1995), LR 22:339 (May 1996), LR 23:1677 (December 1997), LR 24:654 (April 1998), LR 24:1284 (July 1998), repromulgated LR 25:259 (February 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2447 (November 2000), LR 27:

**§510. New Emissions Sources and Major Modifications in Specified Parishes**

A. Applicability. The provisions of this Section shall be applicable in the following parishes: Beauregard, Calcasieu, Cameron, and Jefferson Davis.

B. Control Technology Requirements. The provisions of this Section apply to the construction and reconstruction of new, modified, and reconstructed emissions units at new or existing major stationary sources, as defined herein, provided such the source or modification is located within a parish specified in Subsection A of this Section. Modification and reconstruction shall have the same meanings attributed to them in 40 CFR 60.14 and 60.15.

1. Maintenance Reasonably Available Control Technology (MRACT) Requirements

a. The potential to emit of a stationary source shall be compared to the major stationary source threshold values listed in Table 1 of this Section to determine whether the source is major.

b. All Each new modified or reconstructed emissions units at a new or existing major stationary sources shall apply MRACT requirements for each pollutant subject to regulation under this Section that it would emit, or have the potential to emit, in amounts greater than or equal to the de minimus value specified in Table 1 of this Section. The de minimus value shall represent the potential to emit of the emissions unit only and shall not consider any contemporaneous increases and decreases at the facility. Modification and reconstruction shall have the same meanings attributed to them in 40 CFR 60.14 and 60.15.

c. Approval to construct shall become invalid if construction is not commenced within 18 months after receipt of such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. For a phased construction project, each phase must commence construction within 18 months of the projected and approved commencement date. The department may extend the 18-month period upon a satisfactory showing that an extension is justified.

d. For phased construction projects, the determination of the MRACT shall be reviewed and modified, as appropriate, at the latest reasonable time, but no later than 18 months prior to commencement of construction of each independent phase of the project. At such time the owner or operator of the applicable stationary source may be required to demonstrate the adequacy of any previous determination of MRACT.

e. If the owner or operator applies for an extension, as provided for in Subsection B.1.c of this Section, and the new proposed date of construction is greater than 18 months from the date that the approval to construct would become invalid, the determination of the MRACT shall be reviewed and modified as appropriate before such an extension is granted. At such time the owner or operator may be required to demonstrate the adequacy of any previous determination of the MRACT.

2. Source Information. The owner or operator of an proposed major stationary source or major modification-affected emissions unit, as identified in Subsection B.1.b of this Section, shall submit all information necessary to the Office of Environmental Services, Permits Division, in order to perform any analysis or make any determination required under this regulation. Information shall include, but is not limited to:

a. a description of the nature, location, design capacity, and typical operating schedule of the emissions unit(s), including specifications and drawings showing the design and plant layout;

b. a detailed schedule for construction of the emissions unit(s); and

c. a detailed description of the planned system of emission controls to be implemented, emission estimates, and other information necessary to demonstrate that ~~the~~ MRACT will be applied and maintained.

3. Exemptions. The following emissions units are exempt from the control technology requirements of this Subsection:

a. those that are subject to the Best Available Control Technology (BACT) requirements of the Prevention of Significant Deterioration (PSD) program, LAC 33:III.509;

b. those that are subject to ~~the~~ control requirements of a national emission standard in 40 CFR part 61 or a Maximum Achievable Control Technology (MACT) standard under the national emission standard for hazardous air pollutants for source categories in 40 CFR ~~part 61 or~~ part 63 (with regard to VOC control only); and

c. those that trigger substantive control requirements of any section in LAC 33:III.Chapter 21 (with regard to VOC control only); and

d. those that must be installed, modified, or reconstructed to comply with the Tier 2 Motor Vehicle Emissions Standards and Gasoline Sulfur Control Requirements published in the *Federal Register* on February 10, 2000, at 65 FR 6697.

C. Offset Requirements. The provisions of this Subsection apply to major stationary sources and major modifications, as ~~provided defined~~ in LAC 33:III.509.I, provided ~~such the~~ source ~~or modification~~ is located within a parish specified in Subsection A of this Section.

#### 1. Emission Offsets

a. The emissions increase from a new major stationary source or major modification, as defined in LAC 33:III.509.I, shall be offset in accordance with the provisions of this Section at the ratio specified in Table 1 of this Section.

b. All emission offsets approved by the department shall be surplus, permanent, quantifiable, and enforceable in accordance with LAC 33.III.Chapter 6 and meet the following criteria:

i. all emission reductions claimed as offset credit shall be from decreases of the same pollutant or pollutant class (e.g., VOC) for which the offset is required. Interprecursor trading, for example, using a NO<sub>x</sub> credit to offset a VOC emission increase, is not allowed;

ii. all emission reductions claimed as offset credit must have occurred on or after June 2, 1997;

iii. all emission reductions claimed as offset credit shall be enforceable prior to commencement of construction of the major modification. All emission reductions claimed as offset credit shall occur prior to or concurrent with the start of operation of the proposed major stationary source;

iv. offset credit for any emission reduction can be claimed only to the extent that the department has not relied on it in previously issuing any permit;

v. the emission limit for determining emission offset credit involving an existing fuel combustion source shall be the most stringent emission standard that is allowable under the applicable regulation for this major stationary source for the type of fuel being burned at the time the permit application is filed. If the existing source commits to switch to a cleaner fuel, emission offset credit based on the difference between the allowable VOC emissions of the fuels involved shall be acceptable only if an

alternative control measure, which would achieve the same degree of emission reductions should the source switch back to a fuel that produces more pollution, is specified in a permit issued by the department;

vi. emission reductions achieved by shutting down an existing source or curtailing production or operating hours below baseline levels may be generally credited if such reductions are permanent, quantifiable, federally and enforceable, and in accordance with the State Implementation Plan (SIP);

vii. emission offsets shall be obtained from the same source or other sources located in the parishes subject to this Subsection B of this Section; and

viii. emission reductions otherwise required by the Act or by state regulations shall not be credited for purposes of satisfying the offset requirement. Incidental emission reductions that are not otherwise required by the Act or by state regulations may be creditable as offsets.

c. First-time applications for banking Emission Reduction Credits (ERC) where the emission reduction occurred between June 2, 1997, and December 31, 2001, shall be submitted on or before March 31, 2002. Thereafter, applications shall be submitted in accordance with LAC 33:III.615.A.

d. The initial summary report required by LAC 33:III.613 shall be due by March 31, 2003, and should cover the period of June 2, 1997, through December 31, 2002. Thereafter, such reports shall be submitted in accordance with LAC 33:III.613.

2. Source Information. The owner or operator desiring to utilize emission reductions as an offset shall submit to the Office of Environmental Services, Permits Division the following information:

a. a detailed description of the process to be controlled and the control technology to be used;

b. emission calculations showing the types and amounts of actual emissions to be reduced; and

c. the effective date of the reduction.

3. Exemptions. The following significant net increases in NO<sub>x</sub> and/or VOC emissions shall not be considered major modifications and are exempt from the offset requirements of this Subsection:

a. those that will be realized as a direct result of modifications or process changes required to comply with the Tier 2 Motor Vehicle Emissions Standards and Gasoline Sulfur Control Requirements published in the *Federal Register* on February 10, 2000, at 65 FR 6697; and

b. those that are a direct result of and incidental to the installation of abatement equipment or implementation of a control technique required to comply with another state or federal regulation, consent decree, or other enforcement action or those that result from a project meeting the qualifications for a pollution control project in accordance with EPA's July 1, 1994, Pollution Control Projects and New Source Review (NSR) Applicability.

D. Compliance Schedule. For affected sources that have submitted or will submit a permit application prior to final promulgation of this Section that entails either a major modification as defined in LAC 33:III.509 or construction or reconstruction of a new emissions unit, the offset requirements of Subsection C of this Section and/or the MRACT requirements of Subsection B of this Section shall not apply if the application has been deemed administratively complete in accordance with LAC 33:III.519.A prior to the final promulgation date of this Section.

1. The control technology requirements of Subsection B of this Section shall apply to all affected emissions units for which an application to construct, modify, or reconstruct is received on or after December 20, 2001. *Modification* and *reconstruction* shall have the same meanings attributed to them in 40 CFR 60.14 and 60.15.

2. The offset requirements of Subsection C of this Section shall apply to all new major stationary sources and major modifications, as defined in LAC 33:III.509.I, for which an application to construct or modify is received on or after December 20, 2001.

E. Definitions. Unless otherwise noted, the terms in this Section are ~~used as~~ defined in LAC 33:III.111 or 504.G, with the exception of those terms specifically defined as follows:

*Emissions Unit*—any part of a major stationary source, as defined herein, that emits or ~~would have has~~ the potential to emit any pollutant regulated under this Section.

*Existing*—a major stationary source or emissions unit that does not meet the definition of *new*.

*Maintenance RACT (MRACT)*—reasonably available control technology for new emissions units in parishes designated by the department.

a. ~~MRAC~~ ~~may it~~ includes control devices, systems, process modifications, or other apparatus or techniques that are reasonably available, as determined by the department on a case by case basis, taking into account:

i. the necessity of imposing such controls in order to attain and maintain a national ambient air quality standard in the parishes in question; and

ii the energy, environmental, and economic impact of such controls.

b. In no event shall application of reasonably available control technology result in emissions of any pollutant that would exceed the emissions allowed by an applicable standard as set forth in sections 111 and 112 of the ~~Federal Clean Air~~ Act or LAC 33:III.5109.A, if applicable. If the department determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, or operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of MRACT. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice, or operation and shall provide for compliance by means that achieve equivalent results.

*Major Stationary Source*—

a. any stationary source (including all emission points and units of such source located within a contiguous area and under common control) of air pollutants that emits, or has the potential to emit, any regulated pollutant at or above the threshold values defined in Table 1 of this Section; or

b. any physical change that would occur at a stationary source not qualifying under Subparagraph a of this definition as a major stationary source, if the change would constitute a major stationary source by itself;

c. a stationary source shall not be a major stationary source due to fugitive emissions, to the extent that they are quantifiable, unless the source belongs to:

i. any category in Table A in LAC 33:III.509.B; or

ii. any other stationary source category that, as of August 7, 1980, is being regulated under section 111 or 112 of the ~~Federal Clean Air~~ Act;

d. a stationary source shall not be a major stationary source due to secondary emissions.

*New*—a major stationary source or emissions unit for which ~~construction or reconstruction commenced after promulgation of this Section~~ an application to construct, modify, or reconstruct is received on or after December 20, 2001.

*Regulated Pollutant*—a pollutant listed in Table 1 of this Section.

<b><u>Table 1</u></b> <b><u>Major Stationary Source/New Unit Emission</u></b> <b><u>Thresholds</u></b>			
<b><u>Pollutant</u></b>	<b><u>Major Stationary Source Threshold Values (tons/year)</u></b>	<b><u>New Emissions Unit De Minimus Trigger Values (tons/year)</u></b>	<b><u>Offset Ratio Minimum</u></b>
<u>VOC</u>	<u>100</u>	<u>25</u>	<u>1.10 to 1</u>
<u>NO<sub>x</sub></u>	<u>100</u>	<u>25</u>	<u>1.10 to 1</u>

VOC = volatile organic compounds

NO<sub>x</sub> = nitrogen oxides

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27: